

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HOUSE BILL 2046

AN ACT

AMENDING SECTIONS 28-736 AND 28-797, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 10, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-798; RELATING TO SCHOOL CROSSINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-736, Arizona Revised Statutes, is amended to
3 read:

4 28-736. Use of highway lanes; restrictions; civil penalty

5 A. If the department or a local authority determines on the basis of
6 an engineering and traffic investigation of a highway under its jurisdiction
7 that the designation of a specific lane or lanes for travel of the vehicles
8 prescribed in subsection B of this section would facilitate the safe and
9 orderly movement of traffic, the department or local authority may designate
10 a specific lane or lanes for the travel of those vehicles and shall erect
11 signs at reasonable intervals giving notice of those lanes.

12 B. The following vehicles shall be driven in the lane or lanes
13 designated pursuant to subsection A of this section if signs are erected
14 giving notice of that designation:

15 1. A motor vehicle or vehicle combination with a declared gross weight
16 of more than twenty-six thousand pounds, excluding a motor vehicle designed
17 for carrying sixteen or more passengers, including the driver. For the
18 purposes of this paragraph, "declared gross weight" and "vehicle combination"
19 have the same ~~meaning~~ MEANINGS prescribed in section 28-5431.

20 2. A vehicle that is drawing a pole trailer that weighs six thousand
21 or more pounds.

22 C. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IF A SPECIFIC LANE OR
23 LANES HAVE NOT BEEN DESIGNATED PURSUANT TO SUBSECTION A OF THIS SECTION, A
24 VEHICLE PRESCRIBED IN SUBSECTION B OF THIS SECTION SHALL BE DRIVEN IN THE
25 RIGHT-HAND LANE FOR TRAFFIC OR AS CLOSE AS PRACTICABLE TO THE RIGHT EDGE OR
26 CURB, EXCEPT THAT ON A DIVIDED HIGHWAY THAT HAS THREE OR MORE CLEARLY MARKED
27 LANES FOR TRAFFIC IN ONE DIRECTION A VEHICLE PRESCRIBED IN SUBSECTION B OF
28 THIS SECTION MAY ALSO BE DRIVEN IN THE LANE TO THE IMMEDIATE LEFT OF THE
29 RIGHT-HAND LANE UNLESS OTHERWISE PROHIBITED.

30 D. WHEN OVERTAKING AND PASSING ANOTHER VEHICLE PROCEEDING IN THE SAME
31 DIRECTION, A DRIVER OF A VEHICLE PRESCRIBED IN SUBSECTION B OF THIS SECTION
32 SHALL USE THE DESIGNATED LANE, THE LANE TO THE IMMEDIATE LEFT OF THE
33 RIGHT-HAND LANE OR THE RIGHT-HAND LANE FOR TRAFFIC AS OTHERWISE ALLOWED BY
34 LAW.

35 E. This section does not apply to a driver who is preparing for a
36 left-hand or right-hand turn, who is entering or exiting a highway or who
37 must necessarily drive in a lane other than the designated lane to continue
38 on the driver's intended route.

39 F. A PERSON WHO VIOLATES SUBSECTION C OR D OF THIS SECTION IS SUBJECT
40 TO A CIVIL PENALTY OF TWENTY-FIVE DOLLARS. NOTWITHSTANDING SECTION 28-1554,
41 THE ENTIRE CIVIL PENALTY SHALL BE DEPOSITED IN THE SCHOOL CROSSING SIGN FUND
42 ESTABLISHED BY SECTION 28-798.

1 Sec. 2. Section 28-797, Arizona Revised Statutes, is amended to read:
2 **28-797. School crossings: civil penalty: assessment: definition**

3 A. The director, with respect to state highways, or the officer, board
4 or commission of the appropriate jurisdiction, with respect to county
5 highways or city or town streets, by and with the advice of the school
6 district governing board or county school superintendent may mark or cause to
7 be marked by the department or local authorities crosswalks in front of each
8 school building or school grounds abutting the crosswalks where children are
9 required to cross the highway or street.

10 B. The department or local authorities may approve additional
11 crossings across highways not abutting on school grounds on application of
12 school authorities and with written satisfactory assurance given the
13 department or local authorities that guards will be maintained by the school
14 district at the crossings to enforce the proper use of the crossing by school
15 children.

16 C. The manual prescribed in section 28-641 shall provide for yellow
17 marking of the school crossing, yellow marking of the center line of the
18 roadway and the erection of portable signs indicating that vehicles must stop
19 when persons are in the crossing. The manual shall also provide the type and
20 wording of portable signs indicating that school is in session and that the
21 civil penalty for a violation of this section will be doubled when the signs
22 are present and permanent signs that warn of the approach to school
23 crossings.

24 D. When the school crossings are established, school authorities shall
25 place within the highway the portable signs indicating that school is in
26 session. This placement shall be not more than three hundred feet from each
27 side of the school crossing. In addition, portable "stop when children are
28 in crosswalk" AND "FINES WILL BE DOUBLED" signs shall be placed at school
29 crossings. School authorities shall maintain these signs when school is in
30 session and shall cause them to be removed immediately when school is not in
31 session.

32 E. A vehicle approaching the crosswalk shall not proceed at a speed of
33 more than fifteen miles per hour between the portable signs placed on the
34 highway indicating "school in session" and "stop when children are in
35 crosswalk".

36 F. Notwithstanding any other law:

37 1. An agency of appropriate jurisdiction may establish a school
38 crossing on an unpaved highway or street adjacent to a school when the agency
39 determines the need for the school crossing on the basis of a traffic study.
40 School crossings on unpaved highways and streets shall be marked by the use
41 of signs as prescribed in the manual prescribed in section 28-641.

42 2. A local authority may establish a school crossing at an
43 intersection containing a traffic control signal if the local authority
44 determines the need for a school crossing on the basis of a traffic study.

1 G. When a school authority places and maintains the required portable
2 "school in session" signs and "stop when children are in crosswalk" signs,
3 all vehicles shall come to a complete stop at the school crossing when the
4 crosswalk is occupied by a person.

5 H. ~~If~~ A person WHO is found responsible for a violation of this
6 section, ~~the person~~ is subject to a civil penalty ~~for the violation and, if~~
~~the violation occurs during the time portable signs have been erected~~
~~pursuant to this section, the person~~ AND shall pay an additional assessment
9 equal to the amount of that civil penalty. This assessment is not subject to
10 any surcharge.

11 I. The court shall collect the additional assessment at the same time
12 the court collects the civil penalty. Partial payments of the total amount
13 due pursuant to this subsection shall be divided according to the proportion
14 that the civil penalty, the penalty assessments levied pursuant to sections
15 12-116.01 and 12-116.02 and the additional assessment imposed pursuant to
16 this section represent of the total amount due. The court and the department
17 shall treat failure to pay the additional assessment imposed pursuant to this
18 subsection in the same manner as failure to pay a civil penalty, including
19 taking action against the person's driver license or permit or privilege to
20 drive pursuant to sections 28-1601, 28-3153 and 28-3305.

21 J. If a person is found responsible ~~for a violation of~~ PURSUANT TO
22 ~~subsection H of~~ this section in a justice court or superior court, the court
23 shall transmit monies received to pay the additional assessment to the county
24 treasurer. If a person is found responsible ~~for a violation of~~ PURSUANT TO
25 ~~subsection H of~~ this section in a municipal court, the court shall transmit
26 the monies received to pay the additional assessment to the city treasurer.
27 The city or county treasurer shall deposit the monies received to pay the
28 additional assessment in a fund to pay for costs related to enforcement of
29 this section.

30 K. ANY CITY, TOWN OR COUNTY THAT IS ELIGIBLE TO RECEIVE THE ADDITIONAL
31 ASSESSMENT PRESCRIBED BY THIS SECTION SHALL INSTALL PERMANENT SIGNS AT EACH
32 SCHOOL CROSSING THAT INDICATE TO OPERATORS OF MOTOR VEHICLES THAT APPROACH
33 FROM EITHER DIRECTION THAT CIVIL PENALTIES ARE DOUBLED FOR VIOLATIONS THAT
34 OCCUR WHEN SCHOOL IS IN SESSION.

35 L. THE PORTABLE SCHOOL CROSSING SIGNS DESCRIBED IN THIS SECTION SHALL
36 BE PURCHASED AND MAINTAINED BY MONIES IN THE SCHOOL CROSSING SIGN FUND
37 ESTABLISHED BY SECTION 28-798.

38 M. For the purposes of this section, "school in session", when
39 used either in reference to the period of time or to signs, means during
40 school hours or while children are going to or leaving school during opening
41 or closing hours.

1 Sec. 3. Title 28, chapter 3, article 10, Arizona Revised Statutes, is
2 amended by adding section 28-798, to read:

3 28-798. School crossing sign fund

4 A SCHOOL CROSSING SIGN FUND IS ESTABLISHED CONSISTING OF MONIES
5 DEPOSITED PURSUANT TO SECTION 28-736. THE DEPARTMENT SHALL ADMINISTER THE
6 FUND. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION. THE
7 DEPARTMENT SHALL USE THE MONIES IN THE FUND TO PURCHASE AND MAINTAIN THE
8 PORTABLE SCHOOL CROSSING SIGNS DESCRIBED IN SECTION 28-797.